

SECOND REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 42

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time January 15, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4148S.011

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## JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing sections 40 and 42 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to laws regulating political subdivisions.

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*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on  
2 Tuesday next following the first Monday in November, 2008, or at a special  
3 election to be called by the governor for that purpose, there is hereby submitted  
4 to the qualified voters of this state, for adoption or rejection, the following  
5 amendment to article III of the Constitution of the state of Missouri:

Section A. Sections 40 and 42, article III, Constitution of Missouri, are  
2 repealed and two new sections adopted in lieu thereof, to be known as sections  
3 40 and 42, to read as follows:

Section 40. The general assembly shall not pass any local or special law:

- 2 (1) authorizing the creation, extension or impairment of liens;
- 3 (2) granting divorces;
- 4 (3) changing the venue in civil or criminal cases;
- 5 (4) regulating the practice or jurisdiction of, or changing the rules of  
6 evidence in any judicial proceeding or inquiry before courts, sheriffs,  
7 commissioners, arbitrators or other tribunals, or providing or changing methods  
8 for the collection of debts, or the enforcing of judgments, or prescribing the effect  
9 of judicial sales of real estate;
- 10 (5) summoning or empaneling grand or petit juries;
- 11 (6) for limitation of civil actions;
- 12 (7) remitting fines, penalties and forfeitures or refunding money legally

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

13 paid into the treasury;

14 (8) extending the time for the assessment or collection of taxes, or  
15 otherwise relieving any assessor or collector of taxes from the due performance  
16 of their duties, or their securities from liability;

17 (9) changing the law of descent or succession;

18 (10) giving effect to informal or invalid wills or deeds;

19 (11) affecting the estates of minors or persons under disability;

20 (12) authorizing the adoption or legitimation of children;

21 (13) declaring any named person of age;

22 (14) changing the names of persons or places;

23 (15) vacating town plats, roads, streets or alleys;

24 (16) relating to cemeteries, graveyards or public grounds not of the state;

25 (17) authorizing the laying out, opening, altering or maintaining roads,  
26 highways, streets or alleys;

27 (18) for opening and conducting elections, or fixing or changing the place  
28 of voting;

29 (19) locating or changing county seats;

30 (20) creating new townships or changing the boundaries of townships or  
31 school districts;

32 (21) creating offices[, prescribing the powers and duties of officers in, or  
33 regulating the affairs] of counties, cities, townships, election or school districts;

34 (22) incorporating cities, towns, or villages or changing their charters;

35 (23) regulating the fees or extending the powers of aldermen, magistrates  
36 or constables;

37 (24) regulating the management of public schools, the building or  
38 repairing of schoolhouses, and the raising of money for such purposes;

39 (25) legalizing the unauthorized or invalid acts of any officer or agent of  
40 the state or of any county or municipality;

41 (26) fixing the rate of interest;

42 (27) regulating labor, trade, mining or manufacturing;

43 (28) granting to any corporation, association or individual any special or  
44 exclusive right, privilege or immunity, or to any corporation, association or  
45 individual the right to lay down a railroad track;

46 (29) relating to ferries or bridges, except for the erection of bridges  
47 crossing streams which form the boundary between this and any other state;

48 (30) **except when regulating the affairs of counties, cities, towns,**

49 **or villages, or other political subdivisions within such counties, cities,**  
50 **towns, or villages,** where a general law can be made applicable, and whether  
51 a general law could have been made applicable is a judicial question to be  
52 judicially determined without regard to any legislative assertion on that subject.

Section 42. **Except when permitted under subdivision (30) of**  
2 **section 40 of this article,** no local or special law shall be passed unless a  
3 notice, setting forth the intention to apply therefor and the substance of the  
4 contemplated law, shall have been published in the locality where the matter or  
5 thing to be affected is situated at least thirty days prior to the introduction of the  
6 bill into the general assembly and in the manner provided by law. Proof of  
7 publication shall be filed with the general assembly before the act shall be passed  
8 and the notice shall be recited in the act.

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Bill

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